

In regard to the “profiling” limitations, in particular, as found in original claim 1, for instance, a meaningful response was previously impossible, as the word itself occurred neither in the examiner’s prior Action nor in Crevelt.

The instant Action Made Final gives applicant the **first** indication of where the examiner asserts “profiling” is to be located in Crevelt. In this “Response After Final”, applicant, thus, has its **first** opportunity to respond to that assertion.

REMARKS

Status of the Claims

Claims 1-30 are pending. Claims 1, 24 and 26 are independent method claims. Claims 8 and 14 are independent apparatus claims.

The instant amendments make the corrections to claims 8 and 26, that were requested by the examiner in the above referenced Final Action. The additional change to claims 27-30 reflects a typo just noticed by applicant. **Those** claims properly depend from claim 26, **not** claim 24; those claims **all** refer to “the prescreening”, which occurs **only** in claim 26, not in claim 24.

Claim Objections

Claims 8 and 12 have been amended (see above) changing “ATM-type” to --“ATM”--. Applicant makes this change only because of the demand of the examiner and gives notice herein that, notwithstanding the change, applicant is **using** the phrase “ATM” in the claims to indicate, and to mean, “ATM-type” as used in the specification, such as on page 1, line 25.

Claim Rejections § 103

Applicant respectfully traverses the rejection of claims 1-30 under § 103 as unpatentable over Crevelt in view of Von Kohorn.

Claims 1-13, 26-30

In regard to claims 1 and 2-7 that depend thereon, claims 8 and 9-13 that depend thereon, and claims 26 and 27-30 that depend thereon, applicant agrees with the examiner that Crevelt fails to disclose or fairly suggest that “the request” is “profiled” by “the active layer”. Applicant strongly disagrees, however, with the examiner’s further assertion that Von Kohorn supplies this missing teaching, or even that proper motivation is provided to combine Von Kohorn with

Crevelt, and that proper motivation is supplied to otherwise amend Crevelt to reach applicant's invention.

Detailed Discussion

(1) The Examiner's specific assertion itself (page 3, lines 11-12) that it would have been obvious to include "well-known credit limit information" into "the user's preset conditions" of the system of Crevelt, is obscure, or undecipherable. The examiner points to no reference in Crevelt for the examiner's phrase, the "user's preset conditions". None is apparent. Applicant submits that the phrase "the user's preset conditions" is without support or justification in the teachings of the referenced patents. (This point will not be discussed further.)

(2) More importantly, if one combined Von Kohorn's disclosure, as in Figure 29 and columns 96 and 97, into the system that is disclosed and taught by Crevelt, as discussed more fully below, one would not arrive at applicant's step of: "profiling" "the request" by "the active layer" (claim 1); or wherein "the active layer includes means for prescreening a request, the prescreening including means for transaction profiling" (claim 8); or for "prescreening a request by an active layer computer separate from the ATM ["type"] network for approval" (claim 26).

(3) Any motivation to modify Crevelt to reach applicant's invention appears to be supplied only upon the benefit of the hindsight provided by a review of the instant application, not from the references or from known practice.

Further Discussion of Point 2)

Crevelt + Von Kohorn ≠ Applicant

The Examiner admits that Crevelt fails to disclose or fairly suggest that "the request" is "profiled" by the "active layer", or the like. Applicant agrees.

Prior to elaborating, and to avoid confusion in the ensuing discussion, the Examiner's statement of exactly **what** Crevelt **does** disclose should be restated with greater precision, with additions to the examiner's words being in bold below, and other emphasis supplied, to keep matters clear. This restatement, or more complete statement, with ambiguities assuaged, makes clear that there are **two** "requests" in Crevelt: 1) the EFT request and 2) the "adjustment" request. The **second** request, the "adjustment request," is **all** handled by a **human**. The examiner's existing comments, in paragraph 4, page 2, tends to confuse this fact.

“Restatement” of Examiner’s Paragraph

“Crevelt et al disclose a preset amount electronic funds transfer system for gaming machines comprising: associating a point of sale device (card reader having slot therein) with the entertainment device 28, 30, 32; placing the entertainment machine and the POS in communication with an active layer 54; placing the active layer in communication to a host processor 56; placing the host processor [sic, in communication with] a financial institution (see col. 7, line 65 to col. 8, line 6); requesting electronic funds in the preset amount via the point of sale device (see col. 9, line 20-23); forwarding the request (for the preset amount, whatever that is) to the active layer (see col. 8, lines 42-61); “profiling” (to use the examiner’s choice of terms), by a casino attendant, the separate adjustment request being a request to adjust the machine’s preset amount, this “profiling” being for either approving or disapproving the adjustment request (see col. 6, line 33+); and providing electronic funds to the user either at the adjusted preset amount, if the adjustment request and electronic funds transfer request are both approved, or at the ordinary preset amount, if the adjustment request is not approved but the EFT funds request is approved.”

Office Action made Final, Paragraph 4, Page 2.

To summarize one critical point above, (and ignoring other points, such as differences between applicant’s “active layer” and Crevelt’s “processor 54”, referred to by the examiner as an “active layer”) Crevelt teaches “profiling” (as the examiner refers to it) of the adjustment request by a “human”, not “profiling” of “an EFT Request” by an “active layer”. (Crevelt further teaches human adjustment of the preset limit of the machine if the player meets specified credit criteria.)

Von Kohorn does not supply Crevelt’s deficiency. Von Kohorn does not teach or suggest “profiling” “an EFT Request” by an “active layer” by any means.

The examiner directs attention to Von Kohorn’s Figure 29, which is discussed in columns 96 and 97, in particular in col. 97, lines 55+. Von Kohorn teaches in col. 97, lines 55+ storing “credit limits” **for lotteries (not players)** in storage unit 940. Von Kohorn teaches that a “wager” (not a “request for electronic funds transfer”) which exceeds a lottery “credit limit” (**not** a player’s credit limit) is to be rejected by data facility 904. This is not a player’s EFT Request which exceeds a player’s “credit limit”. In fact, Von Kohorn continues to recite that in such situations “the telephone facility 702 is directed to credit the subscriber’s account in the bank

708". The implication here is that the player's credit has already been approved. Other distinctions of Von Kohorn could be noted, but it is not deemed necessary to go into them.

It is difficult to meaningfully combine Von Kohorn with Crevelt, even if one were so motivated. In Crevelt a player cannot place a "wager" that exceeds a machine's "credit limit," so Von Kohorn's problem does not arise. In Crevelt a player **always** places "an EFT request" that is "preset" to fit a machine's "credit limit", (to the extent that term even makes sense in Crevelt.) Von Kohorn is not reconcilable with Crevelt.

Further Discussion of Point 3)

Given the irrelevance of Von Kohorn to Crevelt, motivation to combine is clearly lacking. Further, Crevelt can be said to teach away from applicant. Crevelt recognizes a problem that applicant's profiling can address:

"[providing casino gaming machines with the electronics for electronic funds transfer (EFT) processing] unfortunately it means that a small minority of susceptible individuals would tend to financially overextend themselves...thus, there exists a need for an EFT system that allows cashless transfers of funds to gaming machines and yet protects against rash decisions for some players to divert large amounts of their savings to gaming." Crevelt column 2 lines 18-28.

Crevelt, however, teaches solving this problem in a different way. According to Crevelt:

"the present invention fills this need by providing a gaming machine with apparatus necessary to send "limited" fund requests to and receive authorizations from the EFT system. Specifically, all such requests for funds are limited to a preset amount. This, if a player uses an EFT transfer to obtain playing credit, that credit will be limited to the preset amount...The player will not be given the opportunity to select an amount of playing credit other than the preset amount. Thus, the player is unlikely to financially overextend himself or herself when playing a gaming machine of this invention because there is a conscious decision made each time more funds are required to continue game play once a player has used up previously credited amounts." Crevelt column 2 lines 31-49.

Crevelt's only exception to this rule occurs in column 6 lines 33-40:

"The casino attendant could set or adjust the preset limit in response to some condition. For example if the player meets

specified credit criteria, the attendant could adjust the preset limit in response to the players request. In such embodiment, the player still will not have the option of keying in or otherwise adjusting the preset amount of credit at the gaming machine.”

Crevelt's setting or adjusting acts are performed by humans, by a casino attendant. A human, the attendant, does what the examiner refers to as the “profiling” (the mechanism of which is not even mentioned) and, depending upon a player meeting “specified credit criteria” (the mechanism of which determination is also not mentioned) can adjust a preset limit of a machine.

Again, Von Kohorn does not recognize or address this problem. Von Kohorn teaches automatically turning down a “wager” if it is over a “game’s” credit limit. Any motivation to combine Von Kohorn with Crevelt is clearly lacking, and the combination the examiner proposes is non-sensical and does not reach the instant invention.

Claims 14-25.

In regard to claims 14 and 15-23 that depend thereon, and claim 24 and 25 that depends thereon, applicant submits that, to the extent the examiner's comments are understood, as discussed more fully below, the claim recitation of transmitting host funds to a “casino” account (using a casino account as an illustrative example of an account associated with a POS device) is not “obvious” or a matter of “design choice”.

Unclear Comments

The examiner's rejection is stated in the words:

“...regarding how the fund is collected the approval of the fund falls within the engineering design choice failing to provide any unexpected results, which there, obvious. (See Figures 1 and 2: col. 9 line 1+)”.

These comments are sufficiently obscure to inhibit response. E.g.:

- Does “the fund” refer to “host funds” as found in claims 14 and 24?
- What is the relationship between, and the meaning of, “how the fund is collected” and “the approval of the fund”? To what in claims 14 and 24 do those phrases relate?

Applicant respectfully submits that the examiner's comments are subject to typographical errors

that should be clarified.

Discussion Nonetheless

To proceed in good faith, guessing at the Examiner's position, column 9, line 1+ in Crevelt refers to figure 4. Col. 9 line 1+ relates to how a player receives funds at a machine. By contrast, applicant's limitation: claim 14 - "the host processor includes means for transmitting host funds, relating to an authorized request, to an account associated with the point of sale device"; or claim 24 - "transmitting host processor funds to an account associated with the entertainment machine"; relate not to getting funds to a player at a machine but to settling to the casino (considered for convenience as the most likely owner of an account associated with a POS device or an entertainment machine) for funds advanced to a player.

Settling funds to a casino permitting EFT gaming is a significant and heretofore little considered issue. It is inappropriate to refer to the issue as a matter of mere design choice. The examiner points to no alternative "design choices" in the industry. (To applicant's knowledge the standard "choice" is that of a casino assuming the role of a "merchant," like a restaurant or a store, in the regular EFT system.)

The instant invention appreciates that, with a robust electronic funds transfer system for gaming in a casino or the like, where players play with "credit" from a plethora of sources and the machines provide immediate payouts in cash, it may be a concern for the casino as to how reliably, quickly and hassle-free (minimizing accounting work) the casino can receive "settlement funds" for its "cash payouts". If players gamble a hundred million dollars in "credit" and the casino pays out ninety million dollars in cash, there is a "cash flow" issue here, and a collection issue here. The reliability, speed and simplicity of settlement for this cash outflow of the casino is an issue. One aspect of applicant's invention is that applicant's "host processor" can play a financial role. It can itself transmit settling funds (relating to authorized requests) to an account associated with the point of sale device (typically an account associated with a casino). This opportunity permits a casino to eliminate complicated settlement accounting by contracting with a suitable, financially capable, responsible and efficient "host processor", experienced in the settlement processes. Nowhere to applicant's knowledge does Crevelt or others take notice of

this issue, or much less propose a solution to it. The examiner points to none. Prior to applicant, it is not clear that a "design choice" existed.

Again, the only motivation to so modify Crevelt comes from the instant disclosure.

Evidence of Commercial Success

Attached please find (Exhibit D) a very recent pre-announcement of an upcoming finding by a "gaming and wagering" magazine, the findings to be published shortly, of the Top 20 Most Innovative Products List. The Global Cash Access "QuikPlay ATM" listed thereon relates to the instant invention, indicating an appreciation of its novelty and value by the marketplace.

Reconsideration and further examination is respectfully requested.

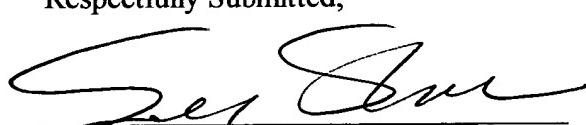
Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Sue Z. Shaper, Applicants' Attorney at 713 550 5710 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

It is believed that no further request for extension of time or fees are due. Notwithstanding, the Commissioner is authorized to charge any additional fees incurred or credit any overage to Deposit Account No.50-1753 (0203SS-50083). Please regard this as a further request for extension of time to the extent one is needed.

Respectfully Submitted,

11/26/02
Date



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I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

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Amended Claims

Mark-Up

8. (Twice Amended) A system for providing money to a user at an entertainment
5 machine through an ATM[-type] network, the system comprising:

- a. a point of sale device associated with the entertainment machine;
- b. an active layer computer , distinct from the ATM[-type] network, in communication with the POS device;
- c. an intermediate host processor in communication with the active layer computer and a financial institution;

10 wherein the active layer includes means for prescreening a request, the prescreening including transaction profiling.

26. (Amended) A method for providing money or credit to a user at an entertainment machine via an ATM[-type] network, comprising;

15 requesting electronic funds via a point of sale device associated with an entertainment machine;

prescreening a request by an active layer computer separate from the ATM[-type] network for approval;

20 requesting pre-authorization for the request from a financial institution by a host processor; and

delivering funds to a user at the entertainment machine contingent upon approval and authorization.

27. (Amended) The method of claim 2[4]6 wherein the prescreening includes transaction profiling based on history lookup.

28. (Amended) The method of claim 2[4]6 wherein the prescreening includes transaction profiling based on player tracking.

29. (Amended) The method of claim 2[4]6 wherein the prescreening includes transaction profiling based on responsible gaming exclusion.

30. (Amended) The method of claim 2[4]6 wherein the prescreening includes transaction profiling based on fraud screening.